

EXHIBIT

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IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

POPAJAK CORPORATION,

Plaintiff,

-vs-

*11/26/06
11/26/06*

Case No. 05 CV H 07 0515

JAN ANTONAPLOUS
CLERK

EXCEPTIONAL INNOVATION LLC, et al., :

Defendant,

COMMON PLEAS COURT
DELAWARE COUNTY OHIO
FILED

2006 NOV 17 AM 10:13

JUDGMENT ENTRY

This case is before the Court on Plaintiff-Counterclaim Defendant Popjak Corporation's ("Popjak") Motion To Compel Deposition Attendance Of Seale A. Moorer, Principal Of Defendant-Counterclaim Plaintiff Exceptional Innovation, LLC ("E.I."). Defendants filed a Memorandum In Opposition To Plaintiff's Motion To Compel The Deposition Of Seale Moorer and Popjak responded with a Reply thereto.

The Court is aware of the difficulties that Popjak has encountered in its attempts to depose Mr. Moorer. Counsel for E.I. indicated in their Memorandum in Opposition that Mr. Moorer would be made available for a full day of deposition on either November 21 or November 22, 2006. In their Reply, Popjak agreed with E.I. counsel to depose Mr. Moorer on November 22, 2006, beginning at 9:00 a.m. and continuing that day until concluded.

Accordingly, the Court hereby GRANTS Plaintiff-Counterclaim Defendant Popjak Corporation's Motion To Compel Deposition Attendance Of Seale A. Moorer, Principal Of Defendant-Counterclaim Plaintiff Exceptional Innovation, LLC, to the extent that Mr.



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Moorer shall comply with the agreement of counsel and attend his deposition to be taken November 22, 2006, beginning at 9:00 a.m. and, continuing that day until concluded.

Dated: November 13, 2006.


W. DUNCAN WHITNEY, JUDGE

CERTIFICATE OF SERVICE: This certificate attests that on the date time-stamped above this Entry was served upon the following:

ROBERT G. COHEN, LORIANN E. FURHER, CAPITAL SQUARE, SUITE 1800, 65 EAST STATE STREET, SUITE 1800, COLUMBUS OH 43215
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